

COTTONWOOD HEIGHTS

ORDINANCE No. 360

AN ORDINANCE ENACTING ADDITIONAL RESTRICTIONS ON THE USE OF FIREWORKS

WHEREAS, on 21 June 2021 the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) met in special session to consider, among other things, enacting additional restrictions on the use of fireworks in the City; and

WHEREAS, high temperatures, low precipitation, and abundant foliage have combined to increase the risk of wildfire in the state of Utah, resulting in 80% of the state now being in an exceptional drought and eliciting the following statement by Governor Spencer Cox on 15 June 2021: “*Because it is so dry, I am pleading with you, we are working with the legislature and local governments to cut back on fireworks this year;*” and

WHEREAS, although pursuant to UTAH CODE ANN. sections 11-3-8 and 52-7-225 the Council’s legal ability to restrict use of fireworks is limited, the Council is able to restrict the use of fireworks in (a) areas which historically have exhibited hazardous environmental conditions and are designated on a county-wide map under UTAH CODE ANN. 53-7-225(6) (“*historically hazardous areas*”), and (b) additional areas which exhibit current hazardous environmental conditions as provided in UTAH CODE ANN. 15A-2-202.5(1)(b) (“*currently hazardous areas*”); and

WHEREAS, the Council heretofore has enacted its Ordinance Nos. 27, 46, 60, 90 and 191, and related amendments to Code chapters 9.75, 9.77 and 14.60, limiting the use of fireworks in the City’s historically hazardous areas due to the risk of fire-related injuries to persons and damage to public and private property; and

WHEREAS, the historically hazardous areas designated by City ordinance, and certain additional areas, are included in the current county-wide map issued by Salt Lake County (the “*County Map*”) under UTAH CODE ANN. 53-7-225(6), resulting in the prohibition of fireworks in those historically hazardous areas; and

WHEREAS, on 15 June 2021, the City received a letter from Brad Larsen, Fire Marshal of the City’s fire and emergency services provider, Unified Fire Authority (“*UFA*”), a copy of which letter is attached to this ordinance, stating: “*I have determined, as the fire code official, that hazardous environmental conditions exist that necessitate the controlled use of ignition sources from 1300 East eastward, at a minimum. I recommend that your entity evaluate the restrictions of ignition sources, including fireworks, at this line of demarcation and prohibit their use in those areas east of 1300 East that your legislative bodies determine meet the criteria provided for in Utah Code 15A-2-202.5(1)(b)(1) and (2);*” and

WHEREAS, beyond the continuing prohibition of fireworks in the historically hazardous areas pursuant to the current County Map, the Council believes that Fire Marshal Larsen’s letter establishes that all areas in the City located from 1300 East eastward constitute currently hazardous areas in which fireworks should also be prohibited due to the current drought’s creation of overly dry and easily combustible trees, shrubs, and grasses; and

WHEREAS, after careful consideration of, *inter alia*, the recent request by Governor Cox, Fire Marshal Larsen's letter, public comment and input, and the Council's finding that the current drought's creation of overly dry and easily combustible trees, shrubs, and grasses has transformed all areas in the City located from 1300 East eastward into a currently hazardous area in which fireworks should also be prohibited in concert with the prohibition of the use of fireworks in the historically hazardous areas in the City shown on the current County Map; and

WHEREAS, consequently, the Council has determined that it is in the best interest of the health, safety and welfare of the City's residents to enact additional restrictions on the use of fireworks in the City through 30 December 2021; and

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Prohibition of Fireworks Through 30 December 2021.** Due to unusually hazardous fire conditions currently existing throughout the City and the increased fire risk posed by the discharge of fireworks, the discharge of any and all fireworks is prohibited not only in all historically hazardous areas in the City shown on the current County Map, but also in all other areas in the City located from 1300 East eastward, which the Council hereby deems to be currently hazardous areas through 30 December 2021. In this Section 1, the term "*fireworks*" means all Class C common state approved explosives and all Class C dangerous explosives as defined in UTAH CODE ANN. 53-7-202, and all other types of explosive devices that are commonly known as fireworks.

Section 2. **Public Displays.** This Ordinance and the restrictions contained herein do not apply to the planned fireworks display at City's "Butlerville Days" civic celebration on 24 July 2021 because of adequate fire prevention measures and UFA presence that will be utilized in connection with such event.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 360, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 21st day of June 2021.


ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By:  Paula Melgar, Recorder



By


Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson

Yea ☒ Nay ☐

Douglas Petersen

Yea ☒ Nay ☐

J. Scott Bracken

Yea ☒ Nay ☐

Tali C. Bruce

Yea ☒ Nay ☐

Christine Watson Mikell

Yea ☐ Nay ☐ *excused*

DEPOSITED in the Recorder's office this 21st day of June 2021.

POSTED this 21 day of June 2021.



June 15, 2021

To: UFA Members

I have been asked to provide guidance as to the currently existing environmental conditions that are in effect as they may impact your legislative bodies' evaluation of additional fireworks restrictions beyond those created based upon historical conditions.

The US Drought Monitor shows most of Salt Lake County in the D-4, Exceptional Drought category. I received a report Saturday from the Division of Forestry Fire and State Lands that shows we are clearly following the historic dry line and explosive potential. This means that along the Wasatch Front, the energy release component of vegetation is near maximum potential and the fuel moisture well below average. Given the unusually high temperatures and low humidity the past few days since these reports, conditions have become drier.

Water conservation measures, while necessary, will contribute to even drier vegetation conditions around and within residential neighborhoods as the season progresses, such as the drying out of bushes, trees, and lawns. This will increase the fire potential during this fireworks season even in areas not traditionally covered by fireworks bans.

Given these reports, factors and conditions, I have determined, as the fire code official, that hazardous environmental conditions exist that necessitate the controlled use of ignition sources from 1300 East eastward, at a minimum. I recommend that your entity evaluate the restrictions of ignition sources, including fireworks, at this line of demarcation and prohibit their use in those areas east of 1300 East that your legislative bodies determine meet the criteria provided for in Utah Code §15A-5-202.5(1)(b)(1) and (2).

We will continue to monitor conditions. Should they worsen, other areas may need to be considered.

Please feel free to contact our office should you have any questions.

Brad Larson

Fire Marshal / Unified Fire Authority

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